REMARKS

Claims 1-19 and 21-30 are currently pending. Claims 1, 15, 16, and 30 have been amended. The support for these claim amendments is found in Applicant's original disclosure, including page 4, line 29, through page 5, line 2, and page 6, lines 2-9, and Figures 3a and 3b. It is respectfully submitted that no new matter has been added.

Information Disclosure Statement

The Patent Office indicated that it could not find reference to an Information Disclosure Statement filed on August 6, 2007. Please find at the back of this paper an appendix which provides legible copies of the IDS transmitted on August 6, 2007 and a copy of a return post card showing that the IDS was stamped by OIPE on August 9, 2007.

The Patent Office is requested to return a newly submitted Form 1449 for consideration of the reference cited on the IDS submitted August 6, 2007.

35 U.S.C. 112, second paragraph, Rejections

Claim 15 was rejected under 35 U.S.C. 112, second paragraph. Claim 15 has been amended to no longer recite "without longitudinally moving the upper portion relative to the lower portion." This language has been deleted from claim 15. The Patent Office is respectfully requested to reconsider these rejections. The claims have been amended above to overcome the examiner's rejection.

35 U.S.C. 102(b) Rejections

The Patent Office rejected claims 1-9, 14, 16-19, 21-24, and 29 under 35 U.S.C. 102(b) as being anticipated by Sawyer, U.S. Patent No. 6,433,777.

For a claim to be anticipated, each and every non-inherent claim limitation must be found, generally, in a single reference. (From MPEP 2131.)

There are four independent claims: 1, 15, 16, and 30.

Claim 1 recites as follows:

> An apparatus comprising a user input device comprising an extendible support having at a first end a tactile member for user actuation and mounted at a second end for pivotal movement, and transducer circuitry configured to be actuated by the extendible support, wherein the user input device has a first configuration in which the extendible support is retracted and a second configuration in which the extendible support is extended, wherein in the second configuration the user input device is operable as a joystick game controller, wherein the extendible support comprises an upper portion and a lower portion, wherein the upper and lower portions are sized and shaped to be locked in the first configuration until the upper portion is manually directly axially rotated by a user relative to the lower portion, **wherein the transducer circuitry and an interface are disposed on an axis of and proximate the second end of the extendible support, wherein the interface is configured to communicate movement of the extendible support to the transducer circuitry**.

Claim 15 recites as follows:

> A user input device, for a portable electronic gaming device, comprising an extendible support having at a first end a tactile member for user actuation and mounted for pivotal movement about a second end, and transducer circuitry configured to be actuated by the extendible support, wherein the user input device has a first configuration in which the extendible support is retracted and a second configuration in which the extendible support is extended, wherein in the second configuration the user input device is operable as a joystick, wherein the extendible support comprises an upper portion and a lower portion, wherein the upper and lower portions are sized and shaped to be locked in the second configuration until the upper portion is manually directly axially rotated by a user relative to the lower portion, **wherein the transducer circuitry and an interface are disposed on an axis of and proximate the second end of the extendible support, wherein the interface is configured to communicate movement of the extendible support to the transducer circuitry**.

Claim 16 recites as follows:

> An apparatus comprising a user input device comprising an extendible support having at a first end a tactile member for user actuation and mounted at a second end for pivotal movement, and transducer

> circuitry configured to be actuated by the extendible support, wherein the user input device has a first operational configuration in which the extendible support is retracted and a second operational configuration in which the extendible support is extended, wherein the user input device functions as an input device in both first and second operational configurations, wherein the user input device comprises means for extending the extendible support in response to a first user action and for retracting the extendible support in response to a reversal of the first user action, **wherein the transducer circuitry and an interface are disposed on an axis of and proximate the second end of the extendible support, wherein the interface is configured to communicate movement of the extendible support to the transducer circuitry**.

Claim 30 recites as follows:

> A user input device, for an electronic device, comprising an extendible support having at a first end a tactile member for user actuation and mounted for pivotal movement about a second end, and transducer circuitry configured to be actuated by the extendible support, wherein the user input device has a first operational configuration in which the extendible support is retracted and a second operational configuration in which the extendible support is extended, wherein the user input device functions as an input device in both first and second operational configurations, wherein the input device comprises means for extending the extendible support in response to a direct manual rotation of the tactile member by a user's hand about an axis of extension of the extendible support, **wherein the transducer circuitry and an interface are disposed on an axis of and at the second end of the extendible support, wherein the interface is configured to communicate movement of the extendible support to the transducer circuitry**.

Sawyer discloses a portable computer with a cursor control stick 120. Description of the cursor control stick and force sensing apparatus is found in column 4, lines 12-32, of this reference as follows:

> Cursor control stick 120 is comprised of a mounting post 128 extending upwardly through an opening formed between keys of keyboard 116. A small grip or cap 122 is mounted to mounting post 128. This cap 122 is usually fabricated of rubber or a rubberized material, and may have a textured surface so that it does not slip against the user's fingertip when the cursor control stick 120 is manipulated by the user. Preferably, the cursor control stick cap 122

> may be removed from mounting post 128 so that it may be replaced when damaged or worn.
> **Miniature force sensing apparatus such as strain gauges or pressure sensitive resistive material (not shown) sense lateral motion imparted to mounting post 128 as the cursor control stick 120 is manipulated by a user.** This motion is translated into a corresponding movement of the cursor on display 118. In an exemplary embodiment, the cursor control stick 120 may also allow the user to select a point on the display 118 by applying a downward force on cursor control stick cap 122. An example of such a cursor control stick is described in U.S. Pat. No. 5,712,660, which is herein incorporated by reference in its entirety.

All currently pending independent claims recite, similarly or identically, as follows: "**wherein the transducer circuitry and an interface are disposed on an axis of and proximate the second end of the extendible support, wherein the interface is configured to communicate movement of the extendible support to the transducer circuitry.**"

The claimed invention recites a transducer circuitry located at the end and on an axis of the lower portion of the extendible support where an interface communicates movement of the extendible support to the transducer circuitry. Sawyer teaches strain gauges or pressure sensitive material that sense lateral motion of the to the mounting port 128, but does not teach the arrangement of the lower portion of the extendible support and an interface and transducer circuitry disposed on the axis of the lower portion of the extendible support.

Thus, Sawyer does not anticipate any of claims 1-9, 14, 16-19, 21-24, and 29.

35 U.S.C. 103(a) Rejections

The Patent Office rejected claims 1, 10, 11, 14, 16, 25, 26, and 29 under 35 U.S.C. 103(a) as being unpatentable over Lection, U.S. Patent No. 6,198,472, in view of Hamilton, U.S. Patent No. 4,819,137.

Lection discloses a pointer stick device that is enabled "to pop up slightly above the height of the surrounding keys" (column 4, lines 63-67). A potentiometer 106 provides for a three dimensional mode (column 4, lines 32-35) in which a change in the resistance of a potentiometer at the base of the pointer stick armature 105 is translated to "+Z and –Z axis

movements" (column 6, lines 46-49). "Strain gauges 101, 102, 103, 104 measure the X and Y movement" (column 6, lines 31-34).

Lection does not teach or suggest the claimed subject matter of "**wherein the transducer circuitry and an interface are disposed on an axis of and proximate the second end of the extendible support, wherein the interface is configured to communicate movement of the extendible support to the transducer circuitry**."

Hamilton relates to a self defense apparatus and has no relevance to a pointer stick such as is found in Lection. There appears to be no motivation in Lection to incorporate Hamilton's self defense apparatus which includes a telescoping member. A review of Figure 2 of Lection, which shows a image of a keyboard with a pointer stick device shown in the three dimensional mode, illustrates an arrangement in which the pop up pointer stick is reasonably accommodated within a tightly arranged set of keys. A telescoping cursor stick as taught by Hamilton, even if force fit into the keyboard arrangement of Figure 2 of Lection, would result in an awkward device that would run counter to the spirit of Lection's invention which seeks "to provide a convenient means to switch between 2 dimensional and 3 dimensional modes using an existing pointer stick control" (column 3, lines 16-19).

As Hamilton does not teach or suggest "**wherein the transducer circuitry and an interface are disposed on an axis of and proximate the second end of the extendible support, wherein the interface is configured to communicate movement of the extendible support to the transducer circuitry**," no purported combination of Lection and Hamilton would teach or suggest this claimed subject matter.

Thus, claims 1, 10, 11, 14, 16, 25, 26, and 29 are not made obvious by Lection in view of Hamilton.

The Patent Office rejected claim 30 under 35 U.S.C. 103(a) as being unpatentable over Sawyer in view of Hamilton.

Sawyer discloses a "cursor control stick" positioned among the keys of keyboard 116 (column 4, lines 1-4).

Hamilton relates to a self defense apparatus and has no relevance to a cursor control stick such as is found in Sawyer. There appears to be no motivation in Sawyer to incorporate Hamilton's self defense apparatus which includes a telescoping member.

As discussed above, neither Sawyer nor Hamilton teach or suggest "**wherein the transducer circuitry and an interface are disposed on an axis of and proximate the second end of the extendible support, wherein the interface is configured to communicate movement of the extendible support to the transducer circuitry.**"

Thus, claim 30 is allowable over Sawyer in view of Hamilton.

The Patent Office rejected claims 10, 11, 25, and 26 under 35 U.S.C. 103(a) as being unpatentable over Sawyer in view of Lection.

As discussed above, neither Sawyer nor Lection teach or suggest "**wherein the transducer circuitry and an interface are disposed on an axis of and proximate the second end of the extendible support, wherein the interface is configured to communicate movement of the extendible support to the transducer circuitry.**"

Thus, no purported combination of Sawyer and Lection would teach or suggest this claimed subject matter and claims 10, 11, 25, and 26 are allowable.

The Patent Office rejected claims 12 and 27 under 35 U.S.C. 103(a) as being unpatentable over Sawyer in view of Oueslati.

As discussed above, Sawyer does not teach or suggest "**wherein the transducer circuitry and an interface are disposed on an axis of and proximate the second end of the extendible support, wherein the interface is configured to communicate movement of the extendible support to the transducer circuitry.**"

Oueslati teaches an integrated joypad for a handheld computer in which the joypad is, as disclosed in paragraph 0021,

> electronically coupled to computing electronics and/or data processing electronics that are disposed within a housing 130 of handheld computer 100. Joypad 125 is configured to communicate an electrical signal to the computing or data processing electronics of handheld computer 100. The electrical signal corresponds to the direction in which the joypad is pressed.

Oueslati also does not teach or suggest "**wherein the transducer circuitry and an interface are disposed on an axis of and proximate the second end of the extendible support, wherein the interface is configured to communicate movement of the extendible support to the transducer circuitry.**"

As neither reference teaches this claimed subject matter, no combination of these references would teach it.

Thus, claims 12 and 27 are allowable over Sawyer in view of Oueslati.

The Patent Office rejected claims 13 and 28 under 35 U.S.C. 103(a) as being unpatentable over Sawyer in view of Oueslati and further in view of Peng, U.S. Published Patent Application No. 2003/0052861.

The combination of Sawyer and Oueslati has been discussed in the rejection of intervening claims 12 and 27.

Peng discloses in paragraph 0020 as follows:

> slot 86 on portable communication device 50 may be adapted to receive a conventional pen so that the user can provide input (e.g. move a cursor or select icons on display 15) with the pen. This may be desirable so that the user need not keep track of a specialized joystick to be used with portable communication device 50. Alternatively, slot 86 may be adapted to receive any utensil having a similar shape and size (e.g. a key, finger, etc.)

Peng does not teach or suggest "**wherein the transducer circuitry and an interface are disposed on an axis of and proximate the second end of the extendible support, wherein the interface is configured to communicate movement of the extendible support to the transducer circuitry.**"

As such, claims 13 and 28 are not made obvious by the combination of Sawyer, Oueslati, and Peng.

The Patent Office rejected claims 12 and 27 under 35 U.S.C. 103(a) as being unpatentable over Lection and Hamilton in view of Oueslati.

For the reasons discussed above regarding the deficiencies of these references, claims 12 and 27 are allowable.

The Patent Office rejected claims 13 and 28 under 35 U.S.C. 103(a) as being unpatentable over Lection and Hamilton in view of Oueslati and further in view of Peng.

For the reasons discussed above regarding the deficiencies of these references, claims 13 and 28 are allowable.

The Patent Office is respectfully requested to reconsider and remove the rejections of the claims 1-19 and 21-30 under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) based on Sawyer, Lection, Hamilton, Oueslati, and/or Peng, and to allow all of the pending claims 1-19 and 21-30 as now presented for examination. An early notification of the allowability of claims 1-19 and 21-30 is earnestly solicited.

Respectfully submitted,

Walter J. Malinowski — February 24, 2010

Walter J. Malinowski — Date

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450.

2.24.2010 — Jessica Reel

Date — Name of Person Making Deposit

Appendix

Page 1 of August 6, 2007 IDS transmittal letter

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 11/578,697
Applicant(s): Strawn, et al
Filed: May 9, 2006
International Filing Date: November 17, 2003
Art Unit: To be assigned
Confirmation No.: To be assigned
Examiner: To be assigned
Title: An Extendable User Input Device

Attorney Docket No.: 884A.0138.U1(US)

Customer No.: 29,683

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Information Disclosure Statement
(37 C.F.R. §1.97(b))

Sir:

The following information is being disclosed to the U.S. Patent and Trademark Office as information that may be material to the examination of the above-identified patent application.

Applicant's Attorney is aware of the documents listed on the enclosed Form PTO-1449. Copies of the documents are enclosed with the Form PTO-1449 for the Examiner's use.

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Appendix

Page 1 of August 6, 2007 IDS transmittal letter

The filing of this Statement is not to be construed as a representation that a search has been made regarding the claimed invention (37 C.F.R. §1.97(g)) or that no other possible material information exists. In addition, the filing of this Statement is not to be construed to be an admission that the information cited in the Statement is, or is considered to be, material to Patentability (37 C.F.R. §1.97(h)).

Respectfully submitted,

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8/6/2007
Date

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CERTIFICATE OF MAILING

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Appendix

August 6, 2007 IDS

INFORMATION DISCLOSURE CITATION FORM FOR PATENT APPLICATION (FORM PTO-1449) (Substitute)	Docket No.: 884A.0138.U1(US)	Page No.: 1 of: 1 Serial No.: 10/578,697
	Applicant(s): Strawn, et al	
	Filing Date: May 9, 2006	Group:

U.S. PATENT DOCUMENTS

Examiner Initials	Document Number (Number-Kind Code)	Publication Date (MM-DD-YYYY)	Name of Patentee or Applicant	Class	Sub-class
	US-				
	US-				
	US-				
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FOREIGN PATENT DOCUMENTS

Examiner Initials	Document Number (Country Code-Number-Kind Code)	Publication Date (MM-DD-YYYY)	Name Of Patentee of Applicant	Translation? Yes/No/n/a
	WO 00/46650	Aug. 20, 2000	Bischoff, et al	Abstract only
	- -			
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	- -			
	- -			
	- -			

OTHER DOCUMENTS (Author (Capitalize), Title, Date, Pages, Etc., if known)

Examiner's Signature: Date Considered:

Initial if reference was considered, whether or not citation is in conformance with MPEP. Mark through citation if not considered. Include a copy of this citation form with your next correspondence to the Applicant(s).

Appendix

Copies of Sent and Return Post Card for August 6, 2007 IDS
Return Post Card bears an August 9, 2007 stamp date from OIPE of the Patent & Trademark Office

884A.0138.u1(us) HES ID 8-6-07
ATTORNEY DOCKET NO. ATTY. SECY. DATE MAILED
SERIAL NO. 10/578,697 CHECK FOR $

- ☐ Amendment (____ page(s))
- ☐ Preliminary Amendment (____ page(s))
- ☐ Amendment Transmittal
- ☐ Drawings
  - ☐ Formal (____ sheet(s)
  - ☐ Informal (____ sheet(s)
  - ☐ Red-line (____ sheet(s)
- ☐ Sub. of Proposed Drawing Amendment
- ☐ Transmittal of Formal Drawings
- ☐ Certificate of Correction
- ☐ Request for Certificate of Correction
- ☐ Request for Corrected Filing Receipt
- ☐ Certified Copy
- ☐ Transmittal of Certified Copy
- ☐ Change of Attorney's Address in Application

- ☒ Certificate of Mailing
- ☒ IDS, PTO-1449, references
- ☐ Issue Fee
- ☐ Appeal Brief (in triplicate) (____ page(s))
- ☐ Assignment
- ☐ Assignment Cover Sheet
- ☐ Declaration & Power of Attorney
- ☐ Notice of Appeal
- ☐ Petition & Fee for Extension of Time
- ☐ Let. Calling Attention To Error in Patent
- ☐ Completion of Filing Requirements
- ☐ OTHER: ____

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884A.0138.u1(us) HES ID 8-6-07
ATTORNEY DOCKET NO. ATTY. SECY. DATE MAILED
SERIAL NO. 10/578,697 CHECK FOR $

- ☐ Amendment (____ page(s))
- ☐ Preliminary Amendment (____ page(s))
- ☐ Amendment Transmittal
- ☐ Drawings
  - ☐ Formal (____ sheet(s)
  - ☐ Informal (____ sheet(s)
  - ☐ Red-line (____ sheet(s)
- ☐ Sub. of Proposed Drawing Amendment
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- ☒ Certificate of Mailing
- ☒ IDS, PTO-1449, references
- ☐ Issue Fee
- ☐ Appeal Brief (in triplicate) (____ page(s))
- ☐ Assignment
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- ☐ OTHER: ____

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